

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)

This Document Relates To All Actions
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LANCE A. COOPER'S APPLICATION FOR EXECUTIVE COMMITTEE POSITION

Lance A. Cooper and The Cooper Firm represent numerous Plaintiffs in the ignition switch litigation pending before this Court. We submit this application for a position on the Executive Committee pursuant to Order No. 5.

Our law firm uncovered the GM ignition key system defects in the first place. Our work and experience on these issues uniquely qualify us to serve on the Executive Committee. Our extensive background work, the “ground zero” *Melton v. GM*¹ case, and our many appearances in the national media make us the reputable and recognizable “national face” of the GM ignition key system defect cases. It is not a stretch to say that, were it not for the *Melton* case, GM would not have recalled millions of cars and the class action/personal injury/wrongful death cases before this Court would not have been filed.

We retained and guided the key engineering expert, Mark Hood, who disassembled the GM key system to find out why later models were performing differently than earlier models. Mr. Hood ultimately discovered that GM had secretly changed the design of the ignition switch in certain GM vehicles. The work done by The Cooper Firm and Mr. Hood was extensively

¹ The Cooper Firm spent well over a thousand hours and hundreds of thousands of dollars in proving up the ignition key system defects in *Melton* which ultimately resulted in GM recalling millions of vehicles.

cited in the recent Valukas Report,² the 325-page indictment of GM's negligence and ineptitude. We have also retained other experts to address the numerous issues related to the GM ignition key system defect cases.

Lance Cooper is the founding partner of The Cooper Firm. He has been litigating complex automobile product liability cases for over twenty years. He has litigated cases against GM, Ford, Chrysler, Nissan, Toyota, Subaru, Isuzu, Mazda, Kia, Hyundai, TRW, Autoliv, Bridgestone, Firestone, Continental, General Tire, and Cooper Tire. His work against those companies included detailed pretrial investigations, the actual case litigation, identification of and work with all manner of automotive experts, jury trials, and appeals.³ Cooper's product liability expertise extends to other complex products, including medical devices such as pulse oximeters and hip implants, as well as complex foodborne illness cases that were part of nationwide outbreaks, and negligent security cases against national retailers.⁴

The Cooper Firm has also represented clients in numerous MDL cases, including: In re: Bausch & Lomb Contact Lens Solution Products Liability Litigation, Docket No. 1785, In re: C. R. Bard, Inc., Pelvic Repair System Products Liability Litigation, Docket No. 2:10-md-02187, In re: Firestone/Ford Litigation, Docket No. MDL-1373 and In re: Accutane Products Liability Litigation, Docket No. MDL-1626.

Our law firm presently represents Ken and Beth Melton. The death of their daughter set in motion the investigations into the GM ignition key system defects. Our firm's recognition of the dynamics of the particular defects, and our tenacious pursuit of it, led directly to the

² [http://www.nhtsa.gov/About+NHTSA/NHTSA+Electronic+Reading+Room+\(ERR\)](http://www.nhtsa.gov/About+NHTSA/NHTSA+Electronic+Reading+Room+(ERR))

³ *Bagnell v. Ford Motor Corp.*, 297 Ga. App. 835, 678 S.E.2d 489 (2009); *Tran v. Toyota*, 420 F.3d 1310 (11th Cir. 2005) and *Watkins v. Ford Motor Co.*, 190 F.3d 1213 (11th Cir. 1999).

⁴ *Wal-Mart Stores, Inc. v. Lee*, 290 Ga. App. 541, 659 S.E.2d 905 (2008).

discovery and identification of the defects, something that GM and its many engineers had concealed for over a decade. Our depositions of the key GM witnesses helped break the story even further open, and led directly to the firing and dismissal of some 15 GM engineers, lawyers, and executives. Our Timeliness Query to NHTSA led to one million additional GM vehicles being recalled, as well as GM admitting via Consent Order that it had violated U.S. law in failing to fully and timely recall the GM cars with the defective ignition key system and led to a \$35 million fine against GM.⁵

The Cooper Firm filed one of the first class action lawsuits, *Galdina Maciel, et al. v. General Motors LLC*.⁶ *Maciel* is pending before this Court. *Maciel* was the first class action Complaint to include allegations that the entire key system in the affected GM vehicles was defective, not only the ignition switch. We learned from discovery obtained in the *Melton* case that the defects are not limited to the ignition switch. *Maciel* is also the most comprehensive class action Complaint filed to date which details old GM's and new GM's knowledge of the ignition key system defects, and their concealment of these defects until February 2014. In addition, *Maciel* was the first class action Complaint which alleged that the same key system defects exist in vehicles manufactured by old GM and new GM. In fact, after we filed the *Maciel* Complaint, GM announced it was recalling the vehicles manufactured by new GM which we identified in the *Maciel* Complaint.⁷

In *Saclo, et al. v. General Motors LLC*, another class action case pending before this Court, we included Continental Automotive Systems US, Inc. ("Continental") as a defendant.

⁵ See Consent Order of May 16, 2014, a copy of which can be found at: <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2014/DOT-Announces-Record-Fines,-Unprecedented-Oversight-Requirements-in-GM-Investigation>

⁶ Grant & Eisenhofer, P.A. and Baron & Budd, P.C., along with numerous other law firms, are co-counsel in *Maciel*.

⁷ www-odi.nhtsa.dot.gov

We included Continental as a result of the discovery obtained in *Melton*. Specifically, the documents produced by GM in *Melton* show that Continental had knowledge of the ignition key system defects in the recalled vehicles and that Continental knew these defects disabled components of the airbag system which Continental designed and manufactured, leaving occupants vulnerable to crashes, serious injuries, and death.

The Cooper Firm also represents Alexina and William Van Pelt, parents of Haley Van Pelt, in *Van Pelt v. General Motors LLC*, a personal injury case which is also pending before this Court. Haley Van Pelt, a 18 year old high school student, was driving her 2003 Saturn Ion on July 22, 2009 when the Ion ignition switch turned from run to off, causing the engine to stall. The Ion went out of control and crashed into a tree. The airbags did not deploy. Haley suffered a catastrophic brain injury which has left her incapacitated. She will require 24 hour care for the remainder of her life.

Our firm's extensive involvement in both the class action and personal injury/wrongful death lawsuits uniquely positions us to assist Co-Lead Counsel as a member of the Executive Committee. We have a team of lawyers and paralegals who are assigned to these cases. Again, our law firm has already spent an extraordinary amount of time and money to uncover the ignition key system defects which will serve to benefit all of the Plaintiffs in the cases pending before this Court. We will continue to commit the time and resources necessary to prosecute these cases. We will work cooperatively with other attorneys as well. Evidence of our cooperative efforts to date are the *Maciel* and *Saclo* Complaints filed by our law firm and numerous co-counsel. Furthermore, the knowledge we obtained from *Melton* will also allow us to work with counsel to expeditiously and efficiently pursue additional discovery against GM.

Lance Cooper is a former President of the Georgia Trial Lawyers Association. He is on the Board of Directors of the Attorney's Information Exchange Group ("AIEG"). He serves as the co-chair for the GM Ignition Switch Litigation Subgroup for both AIEG and the American Association of Justice ("AAJ"). For his work specifically on the GM ignition key system defects, he has been honored by those groups with awards⁸ and nominations for his contributions to this case and to automotive safety.

Lance Cooper and The Cooper Firm have original and unique knowledge of the GM ignition key system defects, and the specific skill set that led to this ignition key system defect litigation. We have, therefore, already proven beneficial to all attorneys, and their clients, who are building on our work and findings. We look forward to working with these attorneys to obtain a successful resolution of our clients' claims.

Finally, Lance Cooper would like the opportunity to address the Court at the August 11, 2014 Initial Conference.

DATED: July 28, 2014

Respectfully submitted,
THE COOPER FIRM

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⁸ AIEG, a subgroup of AAJ, honored Cooper with its AIEG President's Award in April 2014 for Cooper's work on the GM ignition key system defect cases. Cooper recently was awarded the AAJ *Steven Sharp Public Service Award*, and was also nominated for the Public Justice 2014 *Trial Lawyer of the Year Award* for his work in *Melton*.